

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAMIL McFADDEN,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JEFFREY BEARD, et al.	:	NO. 09-5952
Respondents.	:	

**EXPLANATION AND ORDER**

This habeas matter has been referred to the undersigned for preparation of a Report and Recommendation. Pursuant to my order dated January 20, 2010, the Philadelphia Clerk of Quarter Sessions on January 22, 2010 provided this Court with its original record relating to the conviction as to which Petitioner seeks habeas relief. In addition, pursuant to that same order, as subsequently amended, the Philadelphia District Attorney's Office filed a response to the petition on behalf of the Respondents on June 7, 2010, to which it appended copies of various pertinent documents. (Doc. No. 13.)

On August 8, 2010, Petitioner submitted a petition seeking an order "directing the state court to produce copies of all records" in his state court matter "for use in Adjudicating the instant habeas petition." (Doc. No. 15 at 1.) He identifies six specific documents that he contends were "not turned over to this Court and are necessary for this Court to review, to fully consider Petitioner's arguments in this habeas proceeding[.]" (*Id.*) A brief review of the Quarter Sessions file reveals that the first three items on Petitioner's list are, in fact, included in the record that was provided to us. The three items that do not appear to be contained in that file concern Petitioner's appeal of the dismissal of his PCRA petition.

Should we determine, in the course of our preparation of our Report, that it is necessary for us to review Items 4, 5, or 6 from Petitioner's list, we will, as is our custom in cases in which the Quarter Sessions file is incomplete in some manner, direct the District Attorney's Office to provide us with copies of specific documents. At this point, however, such a request would be premature.

AND NOW, this 16th day of August, 2010, upon consideration of the "Petition for an order Directing the state court to produce copies of all Records" (Doc. No. 15), **IT IS ORDERED** that said petition is **DENIED WITHOUT PREJUDICE**.

BY THE COURT:

/s/ David R. Strawbridge  
DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE